

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	CONSENT PRELIMINARY ORDER
	:	OF FORFEITURE/
-v-	:	<u>MONEY JUDGMENT</u>
	:	
RUBEN WEIGAND,	:	S3 20 Cr. 188 (JSR)
	:	
Defendant.	:	
-----X	:	

WHEREAS on or about March 9, 2020, the defendant RUBEN WEIGAND (the “Defendant”) was charged in a one-count Superseding Indictment (the “Indictment”), with conspiracy to commit bank fraud, in violation of Title 18, United States Code, Section 371 (Count One);

WHEREAS, the Indictment included a forfeiture allegation as to Count One of the Indictment, seeking forfeiture to the Government, pursuant to Title 18, United States Code, Section 982(a)(2)(A), of any and all property constituting, or derived from, proceeds the Defendant obtained directly or indirectly, as a result of the commission of the offense charged in Count One of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense (the “Forfeitable Property”);

WHEREAS, on or about March 24, 2021, the defendant was found guilty by jury trial as charged in Count One of the Superseding Indictment;

WHEREAS, between September 2018 and July 2019, the defendant received approximately \$384,000.00 in commission payments from an unindicted co-conspirator in the charged conspiracy for services rendered between 2018 and mid-2019;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$384,000.00 in United States currency representing the Government's estimate of the value of Forfeitable Property, subject to the provisions for repayment specified below; and

WHEREAS, "as a result of any act or omission of the defendant," 21 U.S.C. § 853(p), the Forfeitable Property "has been commingled with other property which cannot be divided without difficulty," *id.*

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, Acting United States Attorney, Assistant United States Attorneys, Nicholas Folly, Tara La Morte, and Emily Deininger, and the defendant, and his counsel, Michael Gilbert, Esq., that:

1. As a result of the offense charged in Count One of the Superseding Indictment, which the defendant was convicted of at trial, a money judgment in the amount of \$384,000.00 in United States currency (the "Money Judgment"), representing the Government's estimate of the value of the Forfeitable Property that the defendant personally obtained, shall be entered against the defendant.

2. In the event that the defendant, by the date of his sentencing, pays \$300,000.00 toward the Money Judgment, the Government will accept such payment in full satisfaction of the Money Judgment.

3. In the event that the defendant has not satisfied the Money Judgment by the date of his sentencing, the Government may move to satisfy the full amount of the Money Judgment, up to \$384,000.00, through the forfeiture of any available property, including any substitute assets.

4. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this

Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, RUBEN WEIGAND, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

5. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the “United States Marshals Service,” and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew’s Plaza, New York, New York 10007 and shall indicate the defendant’s name and case number.

6. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

7. Pursuant to Title 21, United States Code, Section 853 (p) and Title 28, United States Code, Section 2461(c), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

8. Pursuant to Rule 32.2(b) (3) of the Federal Rules of Criminal Procedure, the United States Attorney’s Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

9. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

10. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander

J. Wilson, Co-Chief of the Money Laundering and Asset Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

11. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

AUDREY STRAUSS  
United States Attorney for the  
Southern District of New York

By: \_\_\_\_\_  
NICHOLAS FOLLY  
TARA LA MORTE  
EMILY DEININGER  
Assistant United States Attorneys  
One St. Andrew's Plaza  
New York, New York 10007  
Telephone: (212) 637-1060/1041/2472

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
RUBEN WEIGAND, defendant

10 June 2021  
\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
MICHAEL GILBERT, ESQ.  
Attorney for defendant

\_\_\_\_\_  
DATE

SO ORDERED:

\_\_\_\_\_  
THE HONORABLE JED S. RAKOFF  
UNITED STATES DISTRICT JUDGE

\_\_\_\_\_  
DATE

DATE \_\_\_\_\_